

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOVAN LAROCK,

Petitioner,

Civil Action No. 11-CV-10548

v.

HON. BERNARD A. FRIEDMAN

CARMEN D. PALMER,

Respondent.

/

**ORDER GRANTING PETITIONER'S MOTION
TO EXTEND THE STAY OF PROCEEDINGS**

This is a habeas case filed by a state prisoner under 28 U.S.C. § 2254. In 2007 petitioner was convicted of felony murder, armed robbery, and two counts of assault with intent to murder, following a jury trial in Wayne County Circuit Court. The trial court vacated his conviction for armed robbery. Subsequently, he was sentenced to life in prison for the felony-murder conviction and concurrent terms of 30 to 50 years for the assault convictions. The case has been stayed and administratively closed to allow petitioner to exhaust state-court remedies as to actual innocence claim. The case is before the Court now on petitioner's motion to extend the stay and to continue to hold his petition in abeyance to allow him to investigate newly discovered evidence which may further support his claims. Petitioner has attached an affidavit in which codefendant Steven Johnson recants his prior testimony.

Having considered the matter, the Court finds that such an extension is warranted to allow petitioner to fully investigate his newly discovered evidence and determine whether further exhaustion of state-court remedies is necessary. Accordingly,

IT IS ORDERED that petitioner's motion to extend the stay of proceedings is granted and this case remains stayed. The stay is conditioned on petitioner either moving to re-open this case or presenting any additional unexhausted claim(s) to the state courts within 90 days of the date of this order. The stay is further conditioned on petitioner's return to this Court with a motion to re-open this case and/or an amended petition within 60 days of the date of this order or within 60 days of exhausting state remedies, as appropriate. Should petitioner fail to comply with these conditions, his case may be subject to dismissal. This case remains closed for administrative purposes pending compliance with these conditions.

Dated: January 25, 2014

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE